

6-30-05

PC 20051A
Response to Office Action, Date Mailed: April 1, 2005
For Application No. 10/765,227

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s/ Pamela Hollander
Pamela Hollander

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Atsuo KUKI, et al.**

Serial No.: **10/765,227**

Confirmation No.: **1726**

Filed: **January 26, 2004**

For: **HIV INTEGRASE INHIBITORS,
PHARMACEUTICAL COMPOSITIONS AND METHODS
FOR THEIR USE**

Group Art Unit: **1626**

Examiner: **Anthony Joseph PAVIGLIANTITI**

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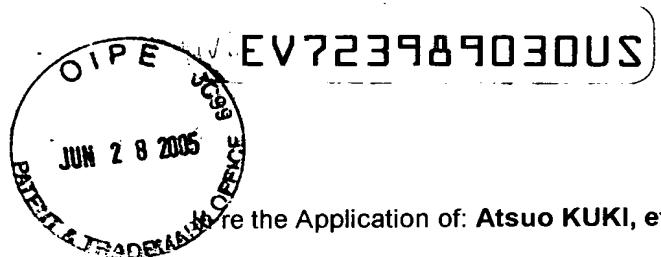
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Respectfully submitted,

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Date: June 28, 2005

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In response to the Office Action, mailed April 1, 2005, Applicants herein offer the following remarks.

Status of Claims

Claims 1 to 23 are currently pending. Claims 13, and 16 to 23 are withdrawn due to an earlier restriction requirement under 35 U.S.C. § 121. Claims 1 to 4 and 14 stand rejected under 35 U.S.C. § 103(a). Claims 5 to 12 are objected to as being dependent upon a rejected base claim. Finally, Applicants wish to thank the Examiner for indicating that the subject matter of claims 5 to 12 is allowable. Each of the rejections and objections is discussed in further detail below.

Rejection under 35 U.S.C. § 103(a)

Claims 1 to 4 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over United States Patent No. 5,010,077 to Braestrup et al. (herein after called "the Braestrup reference" or just "Braestrup") in view of Beng Ho et al., *J. Pharmaceutical Sciences*, Vol. 57, pp. 269-274 (1968) (hereinafter called "the Ho reference" or just "Ho"). In particular, the Examiner alleges that Braestrup teaches certain beta-carbolines lacking an alkyl substituent on the indolic nitrogen atom while the Ho reference teaches substitution on the 9-position of a carbazole ring and that such substitution increases the enzymatic inhibitory activity of such compounds. Office Action, April 1, 2005, p. 12, line 5 – p. 13, line 11. Furthermore, the Examiner alleges that the combination of the teachings of these two references would have led one of ordinary skill in the art to combine them to arrive at the claimed compounds of formula (I), wherein R⁷ is, among others, C₁-C₆ alkyl. Finally, the Examiner cites *In re Wood*, 582 F.2d 638, 199 USPQ 137 (CCPA, 1978) as support for the notion that the "substitution of methyl-for-hydrogen on a known compound, generally, is not a patentable modification absent unexpected or unobvious results."